

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION - JACKSON**

CHARLES W. WHITE,

Plaintiff,

v.

**NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY,**

Defendant.

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No.

NOTICE OF REMOVAL OF A CIVIL ACTION

The defendant, Nationwide Mutual Fire Insurance Company (hereinafter "Nationwide"), incorrectly named in the Complaint as Nationwide Insurance Company, by and through counsel, pursuant to 28 U.S.C. § 1446, gives notice of removal of this action from the Circuit Court of Hardin County, Tennessee, to the United States District Court for the Western District of Tennessee, Eastern Division, and alleges as follows:

1. On June 5, 2009, the plaintiff filed suit against Nationwide in the Circuit Court for Hardin County, Tennessee, where said action is now pending under docket number 4286. A copy of the suit filed by plaintiffs in the Circuit Court of Hardin County, Tennessee, is attached as Exhibit 1.

2. On June 12, 2009, Nationwide was served with a summons and complaint by service on the Commissioner of Insurance for the State of Tennessee for the above-styled action.

3. No further proceedings have been had in the Circuit Court of Hardin County, Tennessee.

4. The entire amount of controversy exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand Dollars (\$75,000.00).

5. This action only involves citizens and residents of different states. At the time of the commencement of the action in Circuit Court of Hardin County, Tennessee, and since that time, the plaintiffs were and still are residents of Tennessee. The defendant was and still is, a corporation incorporated and organized in another State than the State of Tennessee, with its principal place of business in another State than the State of Tennessee.

6. This Court has original jurisdiction over the above-styled action, pursuant to the provisions of 28 U.S.C. §1332(a) and (c) and because the defendant is not a citizen or resident of the State of Tennessee, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs. Therefore, removal to this Court is proper, pursuant to 29 U.S.C. § 1441(a).

WHEREFORE, Nationwide gives notice of the removal of this action from the Circuit Court of Hardin County, Tennessee, to the United States District Court, Western District, of Tennessee, Eastern Division.

Respectfully submitted,

s/Gary A. Brewer

GARY A. BREWER

Registration No. 4678

Attorney for Nationwide Mutual Fire
Insurance Company

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of July, 2009, a copy of the foregoing NOTICE OF REMOVAL OF A CIVIL ACTION was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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Diane Barrier Polk, Circuit Court Clerk
Hardin County Circuit Court
Hardin County Courthouse
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s/Gary A. Brewer

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